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Jones Day (RIM) - 2N North Point 901 Lakeside Avenue Cleveland, OH 44114			PAUL, DISLER	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/695,137	HAWKER ET AL.	
	Examiner	Art Unit	
	DISLER PAUL	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-26;; 29-34;37-43;45-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-26;; 29-34;37-43;45-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Argument

Applicant's arguments, regarding the newly recite claim language, filed on 10/6/2010, with respect to the rejection (s) of claim (s) 25; 33; 41 under 103 (a) have been fully considered and are persuasive.

However, upon further consideration, a new ground (s) of rejection is made in view of Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Yoo (US 2004/0185919).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 30; 33; 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Yoo (US 2004/0185919).

Re claim 25, Schmidt disclosed of a method of processing a voice call at a mobile device, having a first speaker and a second speaker, the first speaker for used in a handset mode of operation in which the mobile device is placed in close proximity to a user's ear and the second speaker for use in a hands-free mode of operation, the second speaker capable of generating a larger acoustic output signal than the first speaker (fig.2 (80,85); col.1 line 49-67; col.4 line 38-49; col.5 line 30-34) and storing a volume profile at the mobile device associated with the hands-free mode of operation, wherein the hands-free mode of operation is a mode for listening to the voice call while holding the mobile device away from the user's ear (col.1 line 50-col.2 line 3; col.6 line 41-56/the device for the speaker include a volume profile for a radio, (hands-free) mode wherein the device is away from the user's ear).

However, Schmidt failed to disclose of the volume as being a stored safe volume profile associated with the hands-free mode of operation, the safe volume profile providing a default setting for the speaker which is selected to reduce the risk of damage to a user's hearing if the mobile device is operated in close proximity to the user's ear while in the hands-free mode of operation.

But, Kanevsky et al. disclose of a method comprising: storing a safe volume profile associated with (different mode of operations), the safe volume profile providing a default setting for the speaker which is selected to reduce the risk of damage to a user's hearing if the mobile device is operated in close proximity to the user's ear while in a (certain mode of operation) (fig.1 (100); fig.2 (202,204); par [0006; 0018]/the system include different mode of operations for many users **[0018]** and corresponding safe volume profile , inherently including a storage for storing these different categories settings and default; **including a default as per respective user's selection mode**) so as to prevent harmful sound level from damaging a user's hearing **according to the specific mode of operation**. Thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the concept Wherein : storing a safe volume profile associated with (different mode of operations), the safe volume profile providing a default setting for the speaker which is selected to reduce the risk of damage to a user's hearing if the mobile device is operated in close proximity to the

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user's ear while in a (certain mode of operation) so as to prevent harmful sound level from damaging a user's hearing according to the specific mode of operation.

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of the **safe volume profile as being associated with the hands-free mode.**

But, it would have been obvious for one of the ordinary skills in the art to have substituted the safe volume profile being associated for many different mode of operations as noted in Kanevsky et al. for a specific wherein such safe volume profile as being associated with the hands-free mode if desired which yield unexpected result so as to merely protect the listener's hearing while listening to the audio sound according to such hands-free mode.

The combined teaching of Schmidt and Kanevsky et al. as a whole, further teach of answering an incoming call with the mobile device in the handset mode of operation according to a regular volume profile (Schmidt; col.4 line 50-64; col.6 line 45-52/the user may answer the mobile device in the handset mode according to a certain volume profile).

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However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of the regular volume profile as being higher than the default volume setting of the safe volume profile.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying the safe volume profile and including the default volume setting for the safe volume as noted therein by implementing that the regular volume profile as being higher than the default volume setting of the safe volume profile which produced no unexpected result based on the engineering preference when selecting the safe volumes according to mode of operations.

The combined teaching of Schmidt and Kanevsky et al. as a whole, further disclose of switching the mobile device from the handset mode of operation to the handsfree mode of operation (col.6 line 10-40; col.7 line 1-12).

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of switching from the handset mode of operation to the handsfree mode of operation while processing the incoming call. But, Yoo discloses of a system wherein such concept of the mode control system further comprising means for switching the mobile device from the handset mode of operation to the hands-free mode of operation while processing the incoming call (Abstract, par [0006; 0009]) so as to safely continue carrying conversations on the phones while driving. Thus, it would have

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been obvious for one of the ordinary skill in the art to have modified the prior art by adding the mode control system further comprising method of switching the mobile device from the handset mode of operation to the hands-free mode of operation while processing the incoming call so as to safely continue carrying conversations on the phones while driving.

The combined teaching of Schmidt and Kanevsky et al. and Yoo as a whole, further disclose of operating the mobile device in the hands-free mode of operation according to the safe volume profile so as to protect the hearing of the mobile device user in case the mobile device is still held in close proximity to the user's ear when the mobile device transitions from the handset mode of operation to the handsfree mode of operation (Kanevsky; fig.1 (100); fig.2 (202,204); par [0006; 0018]/the device to be used with a safe volume profile according to mode of operation).

Re claim 30, the method of claim 25, further comprising: switching the mobile device from the hands-free mode of operation back to the handset mode of operation while processing the incoming call (Yoo, Abstract, par [0006; 0009]); and operating the mobile device in the handset mode of operation according to the regular volume profile (Schmidt; col.1 line 50-col.2 line 3; col.6 line 41-56/the device for the speaker include a volume profile for handset operation).

Similarly, claim 38 which cited the similar limitation as in claim 30 has been analyzed and rejected accordingly.

Claim 33, Schmidt disclosed of a mobile device having a first speaker and a second speaker, the first speaker for use in a handset mode of operation in which the mobile device is place placed in close proximity to a user's ear and the second speaker for use in a hands-free mode of operation in which the mobile device is held away from the user's ear, the second speaker capable of generating a larger acoustic output signal than the first speaker (fig.2 (80,85); col.1 line 49-67; col.4 line 38-49; col.5 line 30-34), comprising: a memory for storing a volume profile associated with the hands-free mode of operation, wherein the hands-free mode of operation is a mode for listening to the voice call while holding the mobile device away from the user's ear (fig.2 (22,24); col.1 line 50-col.2 line 3; col.6 line 41-56/the device for the speaker include a volume profile for a radio, (hands-free) mode wherein the device is away from the user's ear).

However, Schmidt fail to disclose of such volume as being a safe volume profile associated with the handsfree mode of operation, the safe volume profile providing a default volume setting selected to reduce the risk of damage to a user's hearing if the second speaker is operated in close proximity to the user's ear while in the handsfree mode of operation.

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But, Kanevsky et al. disclose of a device comprising: memory to store a safe volume profile associated with (different modes of operations), the safe volume profile providing a default setting selected to reduce the risk of damage to a user's hearing if the speaker device is operated in close proximity to the user's ear while in a (certain modes of operation) (fig.1 (100); fig.2 (202,204); par [0006; 0018]/the system include different mode of operations for many users and corresponding safe volume profile and thus inherently include a memory to store these setting including defaults, **including a default as per respective user's selection mode**) so as to prevent harmful sound level from damaging a user's hearing according to the specific mode of operation. thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the concept device comprising: memory to store a safe volume profile associated with (different modes of operations), the safe volume profile providing a default setting selected to reduce the risk of damage to a user's hearing if the speaker device is operated in close proximity to the user's ear while in a (certain modes of operation) so as to prevent harmful sound level from damaging a user's hearing according to the specific mode of operation.

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of the **safe volume profile as being associated with the hands-free mode.**

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But, it would have been obvious for one of the ordinary skills in the art to have substituted the safe volume profile being associated for many different mode of operations as noted in Kanevsky et al. for a specific wherein such safe volume profile as being associated with the hands-free mode if desired which yield unexpected result so as to merely protect the listener's hearing while listening to the audio sound according to such hands-free mode.

The combined teaching of Schmidt and Kanevsky et al. as a whole, further disclose of a transceiver for receiving and answering an incoming call (fig.1 (62); fig.2 (58); col.3 line 12-30 & 49-55); a mode control system for selecting the handset mode of operation to process the incoming call, the handset mode of operation having an associated regular volume profile (fig.2 (70); col.4 line 50-65).

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of the regular volume profile as being higher than the default volume setting of the safe volume profile.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying the safe volume profile and including the default volume setting for the safe volume as noted therein by implementing that the regular volume profile as being higher than the default volume setting of the safe volume profile which produced no

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unexpected result based on the engineering preference when selecting the safe volumes according to mode of operations.

The combined teaching of Schmidt and Kanevsky et al. as a whole, further disclose of the mode control system further comprising means for switching the mobile device from the handset mode of operation to the handsfree mode of operation (col.6 line 10-40; col.7 line 1-12).

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of switching from the handset mode of operation to the handsfree mode of operation while processing the incoming call. But, Yoo discloses of a system wherein such concept of the mode control system further comprising means for switching the mobile device from the handset mode of operation to the hands-free mode of operation while processing the incoming call (Abstract, par [0006; 0009]) so as to safely continue carrying conversations on the phones while driving. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior art by adding the mode control system further comprising method of switching the mobile device from the handset mode of operation to the hands-free mode of operation while processing the incoming call so as to safely continue carrying conversations on the phones while driving.

The combined teaching of Schmidt and Kanevsky et al. and Yoo as a whole, further disclose of means for operating the mobile device in the handsfree mode of operation according to the safe volume profile so as to protect the hearing of the mobile device user in case the mobile device is still held in close proximity to the user's ear when the mobile device transitions from the handset mode of operation to the handsfree mode of operation (Kanevsky; fig.1 (100); fig.2 (202,204); par [0006; 0018]/the device to be used with a safe volume profile according to mode of operation).

4. Claims 29; 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Yoo (US 2004/0185919) and Yoshioka et al. (US 6873837).

Claim 29, the method of claim 25, further comprising: defining a maximum safe volume in the safe volume profile; when in the hands-free mode of operation (par [0022; 0025]).

However, the combined teaching of Schmidt and Kanevsky et al. and Yoo as a whole, failed to disclose of preventing adjustment of the volume level from the default volume setting to a volume level that exceeds the maximum safe volume.

But, Yoshioka et al. disclose of a method wherein preventing adjustment of the volume level from a volume setting to a volume level that exceeds a maximum safe

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volume (col.2 line 15-22 & 28-37; col.10 line 37-47/the system include a volume control which inhibit volume change, from a predetermined maximum level) so as to generate a constant level signal over a wide range of input signal. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior art by adding the method wherein preventing adjustment of the volume level from a volume setting to a volume level that exceeds a maximum safe volume so as to generate a constant level signal over a wide range of input signal.

Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying the preventing adjustment of the volume level from a level wherein such level as being from the default volume setting which yield predictable result so as to generate a constant level signal over the default volume level as desired.

Similarly, claim 37 which cited the similar limitation as in claim 29 has been analyzed and rejected accordingly.

5. Claims 31-32; 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Yoo (US 2004/0185919) and Murray et al. (US 2003/0087664 A1).

Re claim 31, the method of Claim 25, further comprising: the combined teaching of Schmidt and Kanevsky et al. and Yoo as a whole, failed to disclose of further prior to answering the incoming call with the mobile device, enabling a notification on the mobile device indicating the receiving of the incoming call.

But, Murray et al. disclose of a method wherein prior to answering the incoming call with the mobile device, enabling a notification on the mobile device indicating the receiving of the incoming call (fig.1 (108,110); par [0014-0015]) so as to help the listener to identify the incoming call and thereby make the appropriate volume adjustments. Thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the method wherein prior to answering the incoming call with the mobile device, enabling a notification on the mobile device indicating the receiving of the incoming call so as to help the listener to identify the incoming call and thereby make the appropriate volume adjustments.

Claim 32, the method of claim 31, further comprising: determining whether to answer the incoming call in response to the notification (Murray; par [0015]); However, the combined teaching of Schmidt and Kanevsky et al. and Yoo and Murray et al. as a whole, failed if the incoming call is not to be answered, then redirecting the voice call to a voicemail system associated with the mobile device.

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However, official notice is taken that the limitation of redirecting the voice call to a voicemail system associated with the mobile device, if the incoming call is not to be answered is well known in the art. thus it would have been obvious for one of the ordinary skill in the art to modified the prior art by incorporating the redirecting the voice call to a voicemail system associated with the mobile device if the voice call if not answered enabling the phone user to in future hear miscall messages over the mobile phone.

Similarly, claims 39-40 which cited the similar limitation as in claims 31-32 have been analyzed and rejected accordingly.

5. Claims 26, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Yoo (US 2004/0185919) and further in view of Shimizu et al. (US 2002/0031236 A1").

Re claim 26, the method of claim 25 with switch between modes, However, the combined teaching of Schmidt and Yoo and Kanevsky et al. as a whole, fail to disclose of the further comprising disabling adjustment of the volume level from the default volume setting of the safe volume profile for a predetermined time period after the user has switched the mobile device from handset mode of operation to the hands-free mode of operation. But, Shimizu et al. did disclose of the disabling of the adjustment of volume level from the safe default setting for a predetermined time period after the switching

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between modes by the user with rotation (page 7[0069]) for the purpose of preventing the user for switch the mode by mistake so that sound volume can be prevented from changing considerably. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior arts by incorporating the disabling of the adjustment of volume level from the safe default setting for a predetermined time period after the switching between modes by the user for the purpose of preventing the user for switch the mode by mistake so that sound volume can be prevented from changing considerably.

Similarly, it would have been obvious for one of the ordinary skills in the art to have substituted the disabling adjustment after switching between modes for a specific wherein disabling adjustment after switching between from handset mode of operation to the hands-free mode of operation which produced no unexpected result preventing the user for switch the handset and hands-free mode by mistake so that sound volume can be prevented from changing considerably

Re claims 34, have been analyzed and rejected with respect to claim 26 above.

6. Claims 41; 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Haas et al. (US 5862236).

Claim 41, Schmidt disclose of a method of processing a voice call by a mobile device that is configured to operate in handset mode in which the mobile device is placed against a user's ear and in hands-free mode in which the mobile device is held away from the user's ear (fig.2 (80,85); col.1 line 49-67; col.4 line 38-49; col.5 line 30-34/the phone being used for different mode of operations), the method comprising: switching the mobile device manually from the handset mode to the hands-free mode (fig.2 (70,75); (col.6 line 10-40; col.7 line 1-12).

However, Schmidt failed to disclose of the method comprising: initially limiting the volume; to a preset initial level when the mobile device as being switched from the different modes of operations.

But, Kanevsky et al. disclose of a method of method comprising: initially limiting the volume; to a preset initial level when the mobile device as being switched from the different modes of operations (fig.2 (202,204,210); par [0018-0019; 0022; 0025]/based on the different modes as selected (par [0018]) as being used according to the specific users, habits, the device initial limit the volume to a certain initial level threshold) so as to prevent harmful sound level from damaging a user's hearing according to the specific mode of operation. Thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the method comprising: initially limiting the volume; to a preset initial level when the mobile device as being switched from the

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different modes of operations so as to prevent harmful sound level from damaging a user's hearing according to the specific mode of operation.

Thus, the combined teaching of Schmidt and Kanevsky et al. as a whole, further disclose of initially limiting the volume, so as to protect the hearing of the mobile device user in case the mobile device is still held in close proximity to the user's ear when the mobile device transitions from the handset mode to the handsfree mode (par [0018; 0022,0025]/the device initially limit the volume at a threshold level as per selected mode configurations) and enabling the user to adjust the volume, after the volume has been initiated at the preset initial level (Kanevsky; par [0020]/the user may adjust the volume if desired after the volume has been initiated at the preset level).

However, the combined teaching of Schmidt and Kanevsky et al. as a whole, failed to disclose of such enabling the user to raise the volume, while remaining in hands-free mode of operation and after the volume has been initiated at the preset initial level, to a level higher than the preset initial level.

But, Haas et al. disclose of a system wherein the concept of enabling the user to raise the volume, while remaining in a certain mode of operation and after the volume has been initiated at the preset initial level, to a level higher than the preset initial level (fig.3 ; col.4 line 40-57; col.5 line 1-30/the device is initially limited certain level; and then the volume may be raised accordingly by the user) so as to provide an augmented

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signal for better listening to the audio signal. Thus, it would have modified the prior art by adding the concept wherein enabling the user to raise the volume, while remaining in a certain mode of operation and after the volume has been initiated at the preset initial level, to a level higher than the preset initial level so as to enable the listener to augment signal for better listening to the audio device after being initialing being operated at a low level.

Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying the prior art by implementing the enabling the user to raise the volume, while remaining in a mode as being a hands-free mode of operation so as to provide an augmented signal for better listening to the audio signal during the hands-free mode of operation after being initialing being operated at a low level.

Claim 45, the method of claim 41 further comprising: emitting the voice call from a first speaker when in handset mode and emitting the sound from a second speaker when in handsfree mode (fig.2 (80,85); col.1 line 49-67; col.4 line 38-49; col.5 line 30-34).

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7 Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Haas et al. (US 5862236) and Zhurin et al. (US 2004/0218768 A1).

Re claim 42, the method of claim 41 wherein the enabling step includes: enabling the user to raise the volume, while remaining in hands-free mode and after the volume has remained at the preset initial level, to a level higher than the preset initial level (Haas; fig.3; col.4 line 40-57; col.5 line 1-30).

However, the combined teaching of Schmidt and Kanevsky et al. and Haas et al. as a whole, failed to disclose of to disclose of raising the volume, only after the volume has remained at a preset initial level for a finite time period.

However, Zhurin et al. disclose of a sound volume system wherein raising the volume, only after the volume has remained at a preset initial level for a finite time period (par [0020-0021; 0112; 0141-0143]/the volume is raised only after the volume remain at a pre-set initial level for a particular time segment during the pre-determined function of time) so as to smoothly change the volume level based on the presence of audio sources. Thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the concept of wherein raising the volume, only after the volume has remained at a preset initial level for a finite time period so as to smoothly change the volume level based on the presence of audio sources.

Re claim 43, the method of claim 42, although, the combined teaching of Schmidt and Kanevsky et al. and Haas et al. and Zhurin et al. as a whole, disclose of the finite length of time (par [0021,0112]/the finite time segment before adjusting). But, the combined teaching of Schmidt and Kanevsky et al. and Haas et al. and Zhurin et al. as a whole, failed to disclose of the specific wherein the time segment as being a few seconds.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying the finite length of time as noted therein by implementing if any desired that such finite length of time as desired and including having such desired time segment as being a few seconds for obtaining the same benefit as to smoothly change the volume level based on the presence of audio sources.

9. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt(US 6,522,894 B1) and Kanevsky et al. (US 2003/0002688 A1) and Haas et al. (US 5862236) and Yoo (US 2004/0185919).

RE claim 46, the method of claim 41 wherein the initially limiting step includes: initially limiting the volume, when the mobile device is switched to the different modes

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(Kanevsky; fig.2 (202,204,210); par [0018-0019; 0022; 0025]/based on the different modes selected (par [0018]) as being used according to the specific users, habits, the device initial limit the volume to a certain initial level threshold).

However, the combined teaching of Schmidt and Kanevsky et al. and Haas et al. as a whole, failed to disclose of such switching as being from handset mode to hands-free mode in the middle of a conversation. But, Yoo discloses of a system wherein such concept of switching as being from handset mode to hands-free mode in the middle of a conversation (Abstract, par [0006; 0009]) so as to safely continue carrying conversations on the phones. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with switching as being from handset mode to hands-free mode in the middle of a conversation so as to safely continue carrying conversations on the phones.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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